

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Final Office Action dated December 23, 2008. Reconsideration and allowance of the application in view of the remarks to follow are respectfully requested.

Claims 1-12 are pending in the Application. By means of the present amendment, claims 1-12 are amended including for better conformance to U.S. practice, such as deleting reference numerals typically used in European practice that are known to not limit the scope of the claims. Further amendments include changing "characterized in that" to --wherein--, and amending dependent claims to begin with "The" as opposed to "A". No new matter is added by these amendments nor does this amendment to the claims necessitate a further search. By these amendments, claims 1-12 are not amended to address issues of patentability and Applicants respectfully reserve all rights under the Doctrine of Equivalents. Applicants furthermore reserve the right to reintroduce subject matter deleted herein at a later time during the prosecution of this application or continuing applications.

By means of the present amendment, the Abstract has been deleted and substituted with the enclosed New Abstract which better conforms to U.S. practice.

In the Office Action, claim 1 is rejected under 35 U.S.C. §102(b) over U.S. Patent Publication No. 2004/0265490 to Yang ("Yang"). Claims 2-4, 6, 8-10 and 12 are rejected under 35 U.S.C. §103(a) over Yang in view of U.S. Patent No. 6,309,726 to Ono ("Ono"). Claims 5 and 7 are rejected under 35 U.S.C. §103(a) over Yang in view of Ono in further view of U.S. Patent Publication No. 2002/0039346 to Abe ("Abe"). Claim 11 is rejected under 35 U.S.C. §103(a) over Yang in view of U.S. Patent Publication No. 2002/0053735 to Neuhaus ("Neuhaus"). These

rejections are respectfully traversed. It is respectfully submitted that claims 1-12 are allowable over Yang alone and in view of any combination of Ono, Abe, Neuhaus for at least the following reasons.

It is respectfully submitted that Yang is not prior art to the present patent application. Yang has a U.S. filing date of January 22, 2004. The present patent application is based on PCT Patent Application No. PCT/IB04/50624, filed on May 10, 2004 and claims priority to European Patent Application No. 03101346.0 ("Priority Document"), filed on May 14, 2003. Please note that on the "Notification of Acceptance of Application under 35 U.S.C. 371 mailed from the U.S. Patent and Trademark Office on January 30, 2007, receipt of the Priority Document is acknowledged. This priority was also further indicated on the filing receipt dated January 20, 2007. Receipt of all priority documents is also acknowledged in the Office Action that issued on June 17, 2008. The Priority Document was provided in the English language. Accordingly, the present patent application has a priority date of May 14, 2003 which is prior to the priority date of Yang. Yang is therefore not prior art and accordingly, may not be suitably utilized in rejecting the claims of the present application.

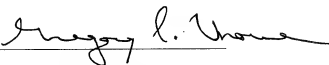
Further, since the Final Office Action acknowledges that Ono, Abe and Neuhaus without Yang are insufficient for rejecting claims 1-12, it is respectfully submitted that claims 1-12 are allowable and allowance thereof is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position,

should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By 

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February 23, 2009

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